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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TARLOCHAN SINGH,)	No. C 07-04217 MJJ
)	
Petitioner,)	
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary of the)	MOTION TO DISMISS AS MOOT
Department of Homeland Security; PETER)	
D. KEISLER,* Attorney General;)	Date: November 27, 2007
DAVID N. STILL, Director U.S.)	Time: 9:30 a.m.
Citizenship and Immigration Services, San)	Court: 11
Francisco District Office,)	
)	
Respondents.)	
)	

I. NOTICE OF MOTION

PLEASE TAKE NOTICE THAT on November 27, 2007, at 9:30 a.m., before the Honorable Martin J. Jenkins, Courtroom No. 11, 450 Golden Gate Avenue, San Francisco, California, 94102, Respondents Michael Chertoff, et al., by their attorneys, Scott N. Schools, United States Attorney for the Northern District of California, and Melanie L. Proctor, Assistant U.S. Attorney, will move this Court to dismiss the Complaint as Moot. Respondents' Motion is based on this notice, the

*Pursuant to Fed. R. Civ. P. 25(d)(1), Peter D. Keisler is substituted for his predecessor, Alberto Gonzales, as the United States Attorney General.

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points and authorities in support of this motion, the attached exhibit, the pleadings on file in this matter, and on such oral argument as the Court may permit.

II. ANALYSIS

Petitioner Tarlochan Singh (“Petitioner”)¹ asks the Court to compel Respondents to render a decision on his I-130 visa petition. See Complaint, p. 1. However, on October 4, 2007, Respondents approved the petition. See Proctor Decl., Exh. A. Accordingly, Petitioner has received the relief he sought in the Complaint, and his claim is now moot. See *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (stating a case is moot when it no longer presents a case or controversy under Article III, § 2 of the Constitution); *Ordonez-Garay v. Chertoff*, CV F 06-1835 AWI SMS, 2007 WL 2904226, at *4 (E.D. Cal. Oct. 3, 2007) (dismissing complaint as moot where defendants provided evidence that plaintiff’s I-130 petition had been approved).

III. CONCLUSION

For the foregoing reasons, Respondents respectfully ask the Court to dismiss the Complaint.

Date: October 15, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
MELANIE L. PROCTOR
Assistant United States Attorney
Attorneys for Respondents

¹Respondents note that although Petitioner filed the action pro se, his contact information corresponds with the address on the approval notice of Viney Gupta, Esq., and does not correspond with the address on file with the U.S. Citizenship and Immigration Services. See Declaration of Melanie Proctor (“Proctor Decl.”), Exh. A. Moreover, undersigned counsel was unable to reach Petitioner at the contact numbers he provided, necessitating the instant motion. See Proctor Decl., p. 2 ¶¶ 3-8.